IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 12815 OF 2004

Dated : September 13, 2007

Between:

V.Ramesh Babu and others

Petitioners

AND

The Government of Andhra Pradesh,
Rep. By its Chief Secretary,
A.P. Secretariat, Hyderabad and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 12815 OF 2004

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Seeking a writ of certiorari to call for the records relating to the order, dated 20.03.2004 passed in O.A. No. 331 of 1996 (OA No. 3 of 1993 and batch) by the Andhra Pradesh Administrative Tribunal, Hyderabad, and to quash the same being illegal, arbitrary and contrary to Rules and Violative of Articles 14, 16 and 21 of the Constitution of India and consequently to declare that the petitioners are entitled for appointment in any of the posts in Group II-A Services conducted by the A.P. Public Service Commission, pursuant to Advertisement No.8/90, the petitioners filed this writ petition.

The petitioners filed the above O.A. before the Tribunal seeking a direction to the respondents not to fill up the non-joining/ relinquished posts of Group II A Vacancies and to fill the said non-joining and relinquished vacancies by the wait-listed candidates and in the absence of waiting list, to direct the 4th respondent to prepare the waiting list and fill up the said vacancies with such candidates.

Few facts, that are necessary for disposal of this writ petition, are that pursuant to the notification No.8/90 issued by the A.P. Public Service Commission in August, 1990, for the posts of Deputy Tahsildars, Assistant Commercial Tax Officers, etc. under Group-II-A services, the petitioners appeared for the preliminary examination in

January, 1991 and for the Main Examination in October, 1992 and for oral interview in September, 1993 and results were declared for 1464 vacancies. Since there was dispute as regards the exact number of vacancies of Deputy Tahsildar, in view of the amendment to the Rules in 1992, it came to be challenged before the Apex Court and ultimately the Supreme Court, remanded the matter for ascertainment of number of vacancies. After remand, the total number of vacancies of Deputy Tahsildar were assessed as 533, by a Division Bench of the Tribunal. The case of the petitioners is that they should be considered not only in the vacancies of Deputy Tahsildar but also other vacancies under Group-II-A. It is their case that 72 posts in Group-II-A are not filled up in view of long pendency of the cases in the Court and 50 fallout vacancies of Revenue Inspectors were reported after expiry of the ranking list. Therefore, they sought for the direction as above.

Aggrieved by the inaction on the part of the respondents, the petitioners filed the above O.A. contending that this court in WP No. 12949 of 1998 and Batch dated 8.2.2001 has held that the candidates in the waiting list are entitled for appointment to the posts available by virtue of transfers/fall out vacancies. This court further directed that the candidates should be appointed purely on the basis of ranking and according to

the preference given by them while seeking selection.

The Tribunal having considered the issue in extenso, dismissed claims of all the applicants in the O.As. with the exception that one vacancy of Deputy Tahsildar, that arose due to relinquishment by Mr. R.Siva Singh, in zone VI and is available for appointment.

Aggrieved by the order passed by the Tribunal, the petitioners filed this writ petition contending that the Tribunal did not take into account the total number of vacancies that remained unfilled due to non-joining, relinquishment in all the cadres other than Deputy Tahsildar and went on the premise that contest is with regard to the Deputy Tahsildar post. It is also contended that the Commissioner appointed by the Tribunal has misdirected himself with regard to the total number of substantive vacancies, resulting in deprivation of the petitioners.

The learned counsel for the petitioners submitted that the petitioner No.1 belongs to BC (D) group and the vacancy that admittedly arose in Zone VI, he is entitled for the said vacancy. It is also contended that in view of the findings recorded by the Tribunal, the vacancy that arose in Zone VI shall be filled with the petitioners.

In view of the stand taken by the respondents and also having regard to the observations made by the

Tribunal, suffice it to direct the respondents to consider the case of the petitioner No.1 for appointment in the vacancy that arose in Zone VI, if any vacancy is still existing, as per the ranking and merit. The claim of the other writ petitioners is liable to be dismissed and accordingly the writ petition is dismissed in respect of other petitioners.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

September 13, 2007
MAS